

Designated Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the District Commander or local Captain of the Port (COTP), as defined in 33 CFR part 3, subpart 3.25, to act on his or her behalf.

Escorted vessel means a vessel, other than a U.S. naval vessel as defined in § 165.2015, that is accompanied by one or more Coast Guard assets or Federal, State or local law enforcement agency assets as listed below:

- (1) Coast Guard surface or air asset displaying the Coast Guard insignia.
- (2) Coast Guard Auxiliary surface asset displaying the Coast Guard Auxiliary insignia.
- (3) State and/or local law enforcement asset displaying the applicable agency markings and or equipment associated with the agency.

State and/or local law enforcement officers means any State or local government law enforcement officer who has authority to enforce State criminal laws.

(b) *Location.* The following area is a security zone: 500-yard radius around escorted vessels in the navigable waters of the Fifth Coast Guard District as defined in 33 CFR 3.25–1, from surface to bottom.

(c) *Regulations.* (1) No vessel may approach within 500 yards of an escorted vessel within the navigable waters of the Fifth Coast Guard District, unless traveling at the minimum speed necessary to navigate safely.

(2) No vessel may enter within a 100-yard radius of an escorted vessel within the navigable waters of the Fifth Coast Guard District, without approval from the District Commander, Captain of the Port or their designated representatives.

(3) Moored or anchored vessels, which are overtaken by a moving zone, must remain stationary at their location until the escorted vessel maneuvers at least 500 yards past.

(4) Vessels restricted in their ability to maneuver may request permission of the District Commander, Captain of the Port or designated representative to enter the security zone in order to ensure safe passage in accordance with the Navigation Rules in 33 CFR chapter I, subparts D and E.

(5) The local COTP may notify the maritime and general public by marine information broadcast of the periods during which individual security zones have been activated by providing notice in accordance with 33 CFR 165.7.

(6) When moored, a security zone around an escorted vessel may also be enforced by Coast Guard, State or Local law enforcement personnel shoreside.

(7) Persons desiring to transit within 100 yards of an escorted vessel in the Fifth Coast Guard District must contact the local Captain of the Port on VHF channel 16 (156.800 MHz), VHF channel 13 (156.650 MHz) or at telephone numbers:

Philadelphia: (215) 271–4807
 Baltimore: (410) 576–2693
 Hampton Roads: (757) 668–5555 or (757) 484–8192
 North Carolina: (877) 229–0770 or (910) 772–2200

(8) If permission is granted to transit within 100 yards of an escorted vessel, all persons and vessels must comply with the instructions of the District Commander, Captain of the Port or their designated representative.

[CGD05–04–171, 70 FR 11551, Mar. 9, 2005, as amended by USCG–2011–0368, 76 FR 26605, May 9, 2011]

§ 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.

(a) *Location.* The following area is a moving safety zone during the specified conditions: The waters of the Cape Fear and Northeast Cape Fear Rivers for 500 yards ahead and astern, and 75 yards abeam of a vessel carrying hazardous materials when designated by the Captain of the Port, North Carolina.

(b) *General Information.* (1) The Captain of the Port and the Command Duty Officer at Sector North Carolina can be contacted at telephone number (877) 229–0770 or (910) 772–2200. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(3) Sector North Carolina will notify the maritime community of periods

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during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded hazardous materials vessels via a marine Broadcast Notice to Mariners.

(c) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply.

[COTP Wilmington, NC 94-004, 59 FR 42759, Aug. 19, 1994, as amended by USCG-2000-7223, 65 FR 40059, June 29, 2000; USCG-2011-0368, 76 FR 26605, May 9, 2011]

§ 165.535 Safety Zone: Atlantic Ocean, Vicinity of Cape Henlopen State Park, Delaware.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within the area bounded by a line drawn north from the tip of Cape Henlopen located at latitude 38°48.2' N, longitude 75°05.5' W, to a point located at latitude 38°49.4' N, longitude 75°05.5' W; thence east to a point located at latitude 38°49.4' N, longitude 75°01.4' W; thence south to a point located at latitude 38°43.0' N, longitude 75°01.4' W; thence west to a point on the shoreline located at latitude 38°43.0' N, longitude 75°04.5' W; thence north following the shoreline, to a point located at latitude 38°48.2' N, longitude 75°05.5' W. All coordinate refer to Datum: NAD 1983.

(b) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply. Vessels may not enter the safety zone without first obtaining permission from the Captain of the Port (COTP) Delaware Bay.

(c) *Dates.* This section is enforced annually on the second Saturday in May and the following day.

(d) *General information.* (1) Those times during which hazardous conditions exist inside the safety zone will be announced by Broadcast Notice to Mariners. General permission to enter the safety zone will be broadcast during non-hazardous times.

(2) You can gain access to the safety by calling Sector Field Office Atlantic City command center at telephone number (609) 677-2222 and on VHF channel 13 or 16.

(3) The COTP Delaware Bay may authorize and designate any Coast Guard commissioned, warrant, or petty offi-

cer to act on his behalf in enforcing this safety zone.

[CGD05-98-043, 69 FR 28827, May 19, 2004]

§ 165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.

(a) *Description of the Regulated Navigation Area (RNA).* The RNA encompasses all waters of the Cape Fear River and Northeast Cape Fear River from the intersection of Bald Head Shoal Channel and Smith Island Channel (centerline coordinates Latitude 33°52'24.028" N, Longitude 78°00'29.624" W (NAD 83)) to mile 26.7 on the Northeast Cape Fear River.

(b) *Work areas.* Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. The blast sites within the RNA, will be identified and made available to the public through: Broadcast Notices to Mariners or Local Notices to Mariners (Local Notices to Mariners are available on-line at www.navcen.uscg.gov/inm/d5/); direct contact with the control vessel on channel 16 VHF-FM; direct contact with the contractor; or through the Captain of the Port on VHF marine Band Radio, channels 13 and 16; or at telephone number (910) 772-2200. In addition, dredge and blasting companies will have a control vessel present at the site of each blast.

(c) *Enforcement period.* This section will be enforced during the months of August, September, October, November, December, and January, each year. This rule will expire on January 31, 2006.

(d) *Definitions.* *Active work area* means a work area in which blasting, drilling, or dredging operations are currently taking place.

Blast site means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and fifty (50) feet (15.2 meters) in all directions from loaded holes.